

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TIMOTHY DUGDALE,

Petitioner,

Case Number: 2:13-CV-12330

v.

HON. LAWRENCE P. ZATKOFF

JEFFREY WOODS,

Respondent.

**ORDER DISMISSING PETITION FOR WRIT OF
HABEAS CORPUS WITHOUT PREJUDICE**

Petitioner filed a petition for writ of habeas corpus regarding his expedited removal from the United States (Docket #1). As set forth in his petition, however, Petitioner indicates that his case was heard by the Board of Immigration Appeals, who ordered his expedited removal on January 10, 2012. Petitioner also states that he has appealed his expedited removal to the Sixth Circuit Court of Appeals. The Sixth Circuit Court of Appeals docket reflects that Petitioner's filing was entered in its system on April 17, 2013, and that the case remains pending there.

This Court declines to hear and consider Petitioner's habeas petition in this Court for the following reasons: (1) Petitioner is challenging the Board of Immigration Appeals' ruling to remove him from the United States before the Sixth Circuit, (2) his petition appears to be untimely, *see* 8 U.S.C. §1252(b)(1), and (3) it is unlikely that this Court even has jurisdiction to hear a challenge of Petitioner's removal order pursuant to 28 U.S.C. §2241. *See* 8 U.S.C. §1252(a).

Accordingly, the Court **ORDERS** that Petitioner's petition for a writ of habeas corpus under 28 U.S.C. §2241 be **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

S/LAWRENCE P. ZATKOFF
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: June 7, 2013